

## Notes de recherche — Research Notes

### *From the Provinces to Madrid: Councillors of the Indies in the Eighteenth Century*

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*This article examines the role and composition of the Council of the Indies in the Eighteenth Century. The author argues that during the final stages of Old Regime Spain, the Council regained its importance and prestige. After a detailed examination and evaluation of other documentary sources he concludes that the personnel ability and new world experience of members of the Council gave Madrid an extremely talented group of public officials.*

*L'auteur examine ici le rôle et la composition du Conseil des Indes au XVIII<sup>e</sup> siècle. Il soutient que durant les dernières étapes de l'Ancien Régime espagnol, le Conseil reconquit son importance et son prestige. Après lecture attentive et évaluation de nouvelles sources documentaires, il conclut que les capacités personnelles et l'expérience du Nouveau Monde acquise par les membres du Conseil donnèrent à Madrid un groupe de fonctionnaires de grand talent.*

Although historians have long appreciated the importance of the Council of the Indies during Habsburg rule, the appointment of a Secretary of State or Minister of the Indies in 1714 and accompanying reduction of the Council's responsibilities turned their attention away from the Council in the eighteenth century.<sup>1</sup> Most treatments of the Council during

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This paper is largely based upon archival materials located in Spain that could not be cited individually. Titles of appointment to office are located in the Archivo General de Simancas (AGS) and the Archivo General de Indias (AGI). *Consultas* for appointments can be found in the Archivo Historico Nacional (AHN) (Madrid) for the years 1717 to 1744 and in the AGI for subsequent years. Confidential evaluations of *consultas* for Spanish tribunals until the 1760s are in the AGS. *Curriculum vitae* (*relaciones de méritos y servicios*) and academic records (*títulos y grados*) are located in the AGI, AHN, and AGS. University matriculation records and records of degrees conferred were used for the universities of Alcalá de Henares, Salamanca, Valladolid, Granada, Avila, Valencia, and Segovia. *Recibimientos* of lawyers are in the AHN and the archives of the chancelleries of Granada and Valladolid. Genealogical materials in the section *Ordenes* for the military order and *Estado* for the Order of Charles III are located in the AHN.

1. The classic work on the Council is Ernesto Schäfer, *El consejo real y supremo de las Indias*, 2 vols. (Seville: 1935-1947). The Council's activities and fortunes are conveniently summarized in C. H. Haring, *The Spanish Empire in America* (New York: 1947), pp. 102-118. The office of Secretary of State for the Indies had a chequered existence until 1721 when it was permanently established. Gildas Bernard, *Le Secrétariat d'Etat et le Conseil espagnol des Indes (1700-1808)* (Geneva: 1972), pp. 32-33.

Bourbon rule emphasize the tribunal's weakness. They stress, moreover, that by 1790 it had entered a final period of decay.<sup>2</sup> An examination of the men appointed to the Council, however, provides a different perspective. Unheralded decisions in 1773 and 1776 initiated a dramatic alteration of the Council's personnel and at last made it a repository of men with experience in the New World. Staffed with an unparalleled number of colonial service veterans, the Council's store of information and advice expanded. With the abolition of the Ministry of the Indies and the House of Trade in 1790, moreover, the Council remained the only institution whose sole responsibility was imperial affairs. The evidence suggests forcefully that, rather than declining, the Council's importance and prestige enjoyed a renaissance in the final decades of Old Regime Spain.<sup>3</sup> Given the Council's importance, some knowledge of the men who composed it and how they obtained their appointments will lead to a better understanding of the Crown's policies for the New World in the eighteenth century.

Charles I founded the Council of the Indies in 1524 to supervise the affairs of the Spanish colonies in the New World. Initially it had only a president, four or five councillors, a *fiscal* or crown attorney and a staff to handle judicial, financial, military, ecclesiastical, and commercial affairs and general administration. Although its size increased, the responsibilities — which were all-encompassing at first — eroded over time. Generally speaking, the Council reached its apogee in the sixteenth century and declined in both power and the quality of its ministers in the seventeenth. Philip V's appointment of a Secretary of State for the Indies in 1714 in an effort to centralize authority and clarify responsibility brought an accompanying reduction of the Council's charge. The new secretary assumed many of the Council's tasks, notably in areas of financial, military, and commercial affairs and in general administration. The Council, as reconstituted on January 20, 1717, retained authority over judicial matters, patronage for high judicial and ecclesiastical positions, and municipal administration.<sup>4</sup> The new plan, moreover, gave the Council an organizational stability that would last until 1808. The decree authorized eight councillors, two *fiscales*, and a president or governor. During the course of the century, the number of councillors increased on several occasions.

Between 1717 and 1808, 159 men received their initial appointments to the Council of the Indies.<sup>5</sup> The majority (99) were *letrados*, men with university training in law, who served as ministers *togados* (judicial ministers), *fiscales*, or both. The remainder (60) were

2. For example, see Bernard, *Le secrétariat*, pp. 20-21; J. H. Parry, *The Spanish Seaborne Empire* (New York: 1966), p. 320; Richard Konezke, *América latina: La época colonial*, trans. Pedro Scaron (Madrid: 1972), p. 109; and Haring, *Spanish Empire in America*, p. 117.

3. An earlier statement of this thesis is Mark A. Burkholder, "The Council of the Indies in the Late Eighteenth Century: A New Perspective", *Hispanic American Historical Review* (hereafter cited as *HAHR*), 56 (August 1986), pp. 404-423.

4. Decree of January 20, 1717, Archivo General de Indias (hereafter cited as AGI), Indiferente General, leg. 826. The Cámara of the Indies was a small group of Council ministers that handled patronage. Temporarily abolished on September 11, 1717, it was permanently re-established on December 22, 1721. In the meantime, the Council fulfilled the patronage responsibilities. See Archivo General de Simancas (hereafter cited as AGS), Gracia y Justicia, legajo (hereafter abbreviated as leg.) 134 (antiguo), extract for plaza de la Audiencia de Santa Fe. The reorganization is clarified in Jacques A. Barbier, "The Culmination of the Bourbon Reforms 1787-1792", *HAHR*, 57 (February 1977), pp. 53-54.

5. A list of the appointees, details on their careers, and references to the sources used to compile the information are available in Mark A. Burkholder, *Biographical Dictionary of Councillors of the Indies, 1717-1808* (New York: 1986). The material in this note is drawn from sources used in compiling the *Dictionary* and outlined at the conclusion of the note. The introduction to the *Dictionary* elaborates on a number of points contained in the present publication.

ministers *de capa y espada*, men who almost never had training in law and thus were excluded from participating in the Council's judicial activities. A president was always *de capa y espada*, but a governor could be either *de capa y espada* or a *letrado*. For simplicity, the term "ministers" will be used to refer to the totality of *fiscales* and councillors, whether *letrados* or *de capa y espada*.

The king invariably appointed presidents, governors, and ministers *de capa y espada* by decree without a formal personal recommendation (*consulta*) by either the *Cámara* of Castile or the *Cámara* of the Indies. In contrast, he utilized such recommendations as well as decrees when naming ministers *togados*. The distinction is important. A *Cámara* made a recommendation only after considering the candidates' professional qualifications. In the absence of such screening, appointments by decree were open to abuse. An examination of the appointments to both American and Spanish *audiencias* (regional courts) in the eighteenth century reveals the Crown regularly employed decrees when it named men of questionable credentials.<sup>6</sup>

Until 1785 there was no formal line of promotion to the Council for ministers *de capa y espada*. Rather, the king simply named whomever he wanted for whatever reasons. For *letrados*, on the other hand, there was a structured ladder of promotion that began with the position of *fiscal* or judge on an *audiencia* or, for the more fortunate ministers, on a chancellery. This initial appointment admitted one into the hierarchy. If a minister lived long enough, was reasonably dedicated to his work, and avoided trouble, advancement to other tribunals was both routine and based heavily on seniority. For an *audiencia* minister, elevation to a chancellery was the next step in his career. The next advancement was often as a regent of an *audiencia* or as a minister of the criminal chamber of the Council of Castile (*sala de alcaldes de casa y corte*). Subsequent promotion was usually to the Council of Hacienda, the Council of the Indies, or the Council of Castile. For men named to the Council of the Indies, but not its *cámara*, final advancement prior to 1773 was to the Council of Castile.

The progression was somewhat analogous to that present in the academic world. For the new Ph.D. recipient, the hope of eventually becoming a professor rests almost entirely on entering the academic world with a appointment to an entry-level, tenure track position. An instructorship is analogous to beginning on an *audiencia*, while starting as an assistant professor is like an initial appointment to a chancellery. To stretch the academic analogy, advancement from a chancellery to serve as a regent or *alcalde de casa y corte* was like promotion to the rank of associate professor; movement to a council compared to promotion to professor, and for the few "distinguidos", a post on a *cámara* was analogous to an endowed chair.

The importance of the initial appointment and the likelihood of subsequent advancement to a council are underscored by the following figures. More than 80 percent of the 300 men named ministers *togados* to the Council of the Indies (79) or the Council of Castile (228; 7 overlap) from 1717 to 1808 began their service on an *audiencia* or chancellery. Moreover, about 30 percent of the men named to Spanish *audiencias* from

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6. For the American courts see Mark A. Burkholder and D. S. Chandler, *Biographical Dictionary of Audiencia Ministers in the Americas, 1687-1821* (Westport, Conn.: 1982), p. xvii; and Mark A. Burkholder and D. S. Chandler, *From Impotence to Authority: The Spanish Crown and the American Audiencias, 1687-1808* (Columbia, M.: 1977), part one. Numerous examples for the Spanish courts can be found in AGS, Gracia y Justicia, legs. 134-158 (antiguo).

1700 to 1777 reached either the Council of the Indies or the Council of Castile. Almost 10 percent (34) of the men named to the American *audiencias* during the same years reached the Council of the Indies.<sup>7</sup> In brief, the Crown's decisions about who would serve on the *audiencias* and chancelleries largely defined the pool of future candidates for the councils.

The men named to the Council of the Indies from 1717 to 1808 came from every region of peninsular Spain, from the Canary Islands, the Americas, and even Sicily and Oran. Most were from towns, villages, and hamlets rather than provincial capitals. The *villa* of Anguciana in the province of Logroño, the *lugar* of Acedo in Navarre, and the *lugarajo* of Mon in Asturias were among the places of birth. Of the 146 men for whom place of birth is known, surprisingly only ten came from the city of Madrid and only four others from the surrounding province.

Castile's historic discrimination against natives of the Crown of Aragon in New World affairs continued in the eighteenth century in appointments to the Council of the Indies itself. Despite having 23 % of Spain's population in 1787, Aragon had only five percent (8 men) on the Council.<sup>8</sup> Four regions of Spain — the Kingdom of León (14 %, 20 men); Old Castile (12 %, 18 men); New Castile (16 %, 24 men); and the Kingdoms of Andalusia (22 %, 32 men) — provided 71 % (94 men) of the 132 ministers born on the peninsula. In 1787 these regions accounted for only 48 % of the population of peninsular Spain.

The Council of the Indies, unlike the Council of Castile, included several men from the Canary Islands. Only one *canariano*, Tomás Maldonado Sánchez Romero, who had previously served on the Council of the Indies, reached the Council of Castile between 1621 and 1808.<sup>9</sup> However, five other *canarianos* filled positions on the Council of the Indies, including Antonio de Porlier, Marqués de Bajamar, who spent over fifteen years as the tribunal's governor.

Only six creoles or American-born Spaniards reached the Council, five of them between 1773 and 1808.<sup>10</sup> While such minimal American representation is no surprise, the complete absence of Mexicans is striking. Four of the creoles had followed careers in Spain rather than in the New World.<sup>11</sup> However, the discrimination that the Americans faced in pursuing posts in the colonies was even more exaggerated in Spain; only two Americans were named to the Council of Castile between 1717 and 1808.<sup>12</sup>

Although the names of parents and grandparents are known for a majority of ministers, information about their occupations frequently is unavailable, especially if the fathers and grandfathers were not employed by the Crown. The available evidence, however,

7. Figures on the Council of Castile are based upon information gathered for a forthcoming study of the Spanish judiciary in the eighteenth century. For American *audiencia* ministers advancing, see Burkholder and Chandler, *From Impotence to Authority*, Appendix IX.

8. Population figures are based on the 1787 census as presented in Jordi Nadal, *La población española (siglos XVI a XX)*, 2nd ed. (Barcelona: 1984), p. 74.

9. Geographical origins of councilors of Castile in the 17th and early 18th centuries are in Janine Fayard, *Los miembros del Consejo de Castilla (1621-1746)* (Madrid: 1982), pp. 215-216.

10. Gabriel de Munive y Tello (1750), Domingo José de Orrantía (1774), Manuel José de Ayala y Medina (1788), Francisco de Valencia y Sáenz del Pontón (1794), Tadeo José de Galisteo y Manrique (1801), and Francico López Lisperguer (1807).

11. Ayala y Medina, Valencia, Galisteo, and López Lisperguer.

12. The two Americans were Juan Luis López Mesía (1741) and Nicolás Manrique de Lara (1742).

suggests considerable variation in the social and economic backgrounds of the ministers' families. Several examples will help to illustrate the range of family backgrounds or the pool of candidates from which the Crown named *audiencia* and chancellor ministers. These ministers, in turn, formed the pool of prospective councillors.

In 1721 the *Cámara* of Castile proposed three candidates for the position of *oidor* or civil judge of the Chancellery of Valladolid. In first place it recommended Tomás de Guzmán y Spinola. The proposal was extraordinary in several respects. The post of *oidor* was normally filled by the promotion of a serving minister and Guzmán held no *audiencia* position. Moreover, he was only 26 years old, barely above the minimum age for any judicial position. Finally, at a time when 15 or 20 or more years of residence in a *colegio* mayor or senior residential college at a major university was common prior to an appointment, Guzmán had been a *colegial* in the *Colegio* of Oviedo at the University of Salamanca for a mere four years, not even long enough to qualify as a representative of his *colegio* in competitions for academic chairs. Faced with this unusual recommendation, the Secretary of Grace and Justice asked the governor of the Council to comment.<sup>13</sup>

The governor responded that Guzmán was "very virtuous, had excellent judgment, and was extremely studious". While all of this sounded good, it applied equally to many other candidates. Then the governor revealed what gave Guzmán the edge over the serving ministers listed in the second and third places on the *consulta*. Guzmán was of "high birth" (*alto nacimiento*). His father was Marqués de Montealegre and his grandfather had been the president of the Council of Castile. The Crown, the governor pointed out, had always sought to employ persons of such high birth for it resulted in greater respect for the office and thus for the royal service. Listing a number of examples, he noted that equal or even higher posts had been given to men of such background even if they lacked Guzmán's ability and education.<sup>14</sup> Named to the post, Guzmán later became a *camarista* of Castile. The advantage of such high birth could scarcely be clearer.

A similar case that illuminates the advantages of illustrious social backgrounds involves José de Carvajal y Lancaster. Carvajal was a younger son of the Duque de Linares and the grandson of the Conde de la Quinta de la Enjarada and the Duque de Abrantes. A *colegial* of Arzobispo at Salamanca, in 1728 he was named an *alcalde de hijosdalgo*, or judge for cases involving the status and privileges of the nobility, of the Chancellery of Valladolid. Most office seekers (*pretendientes*) would have been delighted, but not Carvajal. Angriely he wrote the governor of the Council of Castile. There "was no example", he raged, "of men of the highest rank (*primer distinción*) leaving for posts of *alcalde de hijosdalgo*". He had not spent twelve years at Arzobispo for such an appointment. Rather than serve, he would remain at the university until the king found an appropriate position for him. Philip V was persuaded by Carvajal's argument and ordered the *Cámara* to recommend Carvajal for the next opening of *oidor* in Valladolid. When an opening appeared the following year, Carvajal was named; eleven years later he reached the Council of the Indies.<sup>15</sup> As with Guzmán, Carvajal had benefited from his elevated social rank.

13. *Consulta* of October 22, 1721, Archivo Histórico Nacional (hereafter cited as AHN), consejos, leg. 13531; Sugetos propuestos para la Plaza de Oidor (sic) de la Chancelleria de Valladolid, AGS, Gracia y Justicia, leg. 136 (antiguo).

14. *Ibid.*

15. *Consulta* of August 8, 1729, AHN, Consejos, leg. 13532; Marqués de la Compuesta to Joseph de Castro, Palacio, April 18, 1729, AGS, Gracia y Justicia, leg. 140 (antiguo).

At the other extreme were some men who, despite their ability, carried social liabilities too great to overcome. The unhappy case of Miguel José de Serrador in 1765 helps to clarify what kind of men were unacceptable candidates. Despite an excellent record as a legal adviser to regional bureaucrats, Serrador garnered no support from the *Cámara* of Castile for an *audiencia* position. Overcome by frustration, he appealed to the Secretary for Grace and Justice, Manuel Roda. Roda, in turn, asked a councillor of Castile for a confidential report on Serrador's qualifications. The councillor commended the *pretendiente's* services, but then provided the kiss of death. Serrador's father, the councillor related, had once been a barber in Valencia. Subsequently he moved into the textiles trade. Although deceased in 1765, he had been well-known among persons of the same sort and his "memory was still fresh" in the minds of the Valencians. To name his son to the Valencian *audiencia* would create a scandal.<sup>16</sup> Needless to say, Serrador never gained an *audiencia* position.

Carvajal was the most illustrious noble to serve on the Council of the Indies. Serrador's failure, on the other hand, revealed that low birth alone was enough to prevent entry into the judicial hierarchy. The ministers named to the Council of the Indies from 1717 to 1808 fell between these extremes. At the top, fifteen men, including Carvajal, had titled fathers, but since there were two sets of brothers, only thirteen families were represented. In ten cases, brothers of ministers held titles not inherited from their fathers. Some of these were new creations, for example, the title Conde de Floridablanca; others were obtained through marriage, as in the case of the Conde del Pinar. Thirteen other ministers were sons of knights in military orders. Thus only 28 ministers had titled or knighted fathers. Over four-fifths of the Council's ministers could not claim truly illustrious ancestry, however much they might protest their nobility.

The occupations held by ministers' close relatives also varied considerably. Eleven ministers had fathers who had served on courts or councils for Spain or the Indies. Sixteen ministers had brothers in high *letrado* positions. The limited number of immediate relatives on the courts and councils reveals few *letrado* dynasties represented on the Council of the Indies in the eighteenth century. Although grandfathers had served on councils, in only three cases had both fathers and grandfathers held council or *audiencia* posts. A few uncles were on *audiencias* or councils, but not many. Of course some fathers held non-*letrado* posts. The most notable case was the father of Mauro de Mendoza, the Marqués de Villa García, who was the viceroy of Peru from 1736 to 1745. More commonly, fathers held posts such as provincial administrator, army colonel, treasury official, or even notary. For those fathers not employed by the Crown, information is extremely sketchy. In one case, the minister's family had been raising cattle for generations.<sup>17</sup> Another father was involved in trade with Mexico.<sup>18</sup> Unquestionably a number of ministers' families lived on modest, inherited estates near small provincial towns.

The documentation used in studying the ministers provided only hints as to the financial resources of their families. It appears that most families possessed modest means, although some *capa y espada* ministers, particularly those named before 1760, and a few *letrados* had been born into very comfortable surroundings. The educational requirements alone for *letrados* meant that some means were necessary. The expenses of securing a

16. Juan Martín de Gamio to Manuel Roda, August 5, 1765, AGS, Gracia y Justicia, leg. 159 (antiguo).

17. Antonio López Quintana.

18. Manuel Ignacio Fernández Sarmiento y Ballón.



baccalaureate in civil or canon law often included travel and the cost of living away from home. In addition, to qualify as an attorney one had to have an advanced degree in law from a major university or clerk for four years and then pass an examination. Subsequently there were the expenses of soliciting an appointment. For *provincianos* who went to Madrid to take their law exam, expenses mounted quickly. One reported "extraordinary disadvantages and expenses as a result of having to remain in lodgings" there for two months.<sup>19</sup> Another sought a dispensation to take his examination early "because of the extreme scarcity of means that his father was suffering in order to sustain him away from home."<sup>20</sup> Another father was a poor man burdened with family and unable to help any more with the expenses his son was incurring through residence in Madrid.<sup>21</sup>

Additional evidence for the limited resources available to ministers early in their careers is indicated by the trouble they experienced paying travel expenses and the *media anata*, a tax of one-half of a post's salary for the first year paid in advance. One minister in 1738 asked for an extension of time allowed to assume his post for he had spent the interval since his appointment trying to borrow funds to pay the *media anata* and the cost of transportation to La Coruña.<sup>22</sup> Another arrived in Madrid nearly destitute and asked for four months at court so he could arrange to pay his taxes, get some of his back salary, and prepare to proceed to Granada.<sup>23</sup> The royal decision in 1774 to allow time payments and, after the initial appointment, to tax only increased salary suggests that even the Crown at last appreciated the modest resources that many if not most of its ministers possessed.<sup>24</sup>

Repeated requests for the Crown to provide dowries for ministers' daughters, often of just two or three thousand *pesos*, also suggests the limited means of many ministers.<sup>25</sup> Numerous widows complained of poverty; even if discounted for exaggeration, their laments further testified to the absence of substantial wealth in many ministers' households. Widowed less than four years after her husband Manuel Díaz had reached the Council, Josepha Olarte informed the Crown that the expenses of returning from Guatemala after her husband's service as *oidor* there had left her in penury.<sup>26</sup> Not until 1763 was there a modest pension plan for the widows and orphaned children of Council ministers.<sup>27</sup>

The education of *capa y espada* ministers differed substantially from that of the *letrados*. *Capa y espada* ministers typically entered their first post by the age of about sixteen and thus their formal education was limited. Normally they learned on the job by starting on the lowest rung of the bureaucratic or military ladder. *Letrados*, in contrast, did not complete their professional training until their mid-twenties. After mastering Latin, they attended one or more universities to study civil or canon law or both. After receiving a baccalaureate degree at the age of about twenty, they either pursued an advanced degree or clerked for four years with an established attorney. Regardless of the path chosen, the aspiring *letrado* was usually about twenty-five years old when approved to practice law.

19. AHN, Consejos, leg. 12116, expediente 75.

20. *Ibid.*, leg. 12145, expediente 76.

21. *Ibid.*, leg. 12155, expediente 48.

22. *Ibid.*, leg. 13495, expediente 40.

23. *Ibid.*, leg. 13520, expediente 31.

24. *Real cédula* of May 26, 1774, AGI, Indiferente General, leg. 656.

25. For example, by Tomás de Sola; AGI, Indiferente General, leg. 871, expediente Sola.

26. *Ibid.*, leg. 901B.

27. Royal order of January 12, 1763. Listed in Natividad Moreno Garbayo, *Collección de reales cédulas del Archivo Histórico Nacional*. Catalogo. Tomo I, (Año 1366 a 1801) (Madrid: 1977), p. 262.

From 1717 to 1773, only six of 53 *letrados* named to the Council of the Indies lacked an affiliation with the Universities of Salamanca, Valladolid, or Alcalá de Henares. After the 1773 decree of equality that made the Council of the Indies equal to the Council of Castile in rank, salary, and prerogatives as well as the terminal tribunal on the *ascenso* from the Indies, over 40 percent (19 of 46) had no tie to any of these prestigious universities.<sup>28</sup> Indeed while over half (27 of 53) of the men named before the decree had ties to Salamanca, less than a quarter (11 of 46) did after the 1773 decree. The University of Granada in particular benefited from the shift away from the appointment of former students of Salamanca, Valladolid, and Alcalá de Henares. Its alumni increased from four in the first period to nine in the second, placing it just behind Valladolid (12) and Salamanca (11).

There was a link between the reduced alumni from Salamanca, Valladolid, and Alcalá de Henares and the geographic shift in the *letrados'* place of birth from the centre and northwest of Spain toward the south. While the Kingdom of León and Old and New Castile had accounted for nearly half of the *letrados* named from 1717 to 1773, after the decree of equality these regions provided only a third. The difference was largely made up by an increase from the historic kingdoms of Andalusia. Accounting for only 10 of 53 men in the first period, Andalusians numbered 15 of 46 after the 1773 decree.

The elite among the *letrados* were men from the six *colegios mayores* at Salamanca, Valladolid, and Alcalá.<sup>29</sup> *Colegiales* numbered 20 of 53 *letrados* named to the Council from 1717 to 1773 but only eight of 46 after the decree of equality. The reform of the *colegios mayores* in 1771, of course, reduced the number of *colegiales* available for careers in the *letrado* bureaucracy, but as late as 1803 a former *colegial* reached the Council.<sup>30</sup> One would think that scholarly credentials, acceptable ancestors, and demonstrated ability would be qualifications enough for men trying to enter the judicial bureaucracy. But they were not. One candidate found his ambitions dashed when a councillor of Castile noted that he was too short to wear the robes of office with dignity and thus should not be appointed. The hopes of *colegial* Manuel de Villaveta to enter the *letrado* hierarchy foundered because of a speech impediment.<sup>31</sup>

An overwhelming majority of ministers on the Council of the Indies married at least once (109 or 68 % confirmed cases; only 12 confirmed bachelors, although probably at least 7 others). Most ministers married before their advancement to the Council. Ambrosio Cerdán, for example, married in Chile twenty-four years before he was named to the Council.<sup>32</sup> Gaspar Soler married over thirty years before his appointment.<sup>33</sup> On the other hand, a few men married after reaching the Council and several actually married in order to gain a position on the tribunal. In 1723 Isabel Piscatori, a lady-in-waiting to Queen Isabel Farnese, received as a dowry an appointment as a minister *de capa y espada* for the man who would marry her. Pedro Casado appeared on the scene and was duly named. Perhaps the marriage was annulled, however, for two years later Luis Yopulo was named for

28. The significance of the 1773 decree is developed in Burkholder, "The Council of the Indies in the Late Eighteenth Century".

29. See Richard L. Kagan, *Students and Society in Early Modern Spain* (Baltimore: 1974), pp. 77-158.

30. Benito Maria de la Mata Linares.

31. *Sugetos propuestos para una plaza de alcalde de la Audiencia de Sevilla*, AGS, Gracia y Justicia, leg. 136 (antiguo).

32. Burkholder, *Biographical Dictionary*, p. 29.

33. *Ibid.*, p. 118.



marrying Piscatori. His untimely death brought forward his brother Diego who was named to the Council in 1735 for marrying the widowed Isabel.<sup>34</sup>

The wives as a group were probably of neither more nor less distinguished birth than their husbands. With few exceptions, the social standing of the ministers' wives is difficult to ascertain. Thirteen were daughters of titled nobles. Five of these women were creoles, three of them the Chilean daughters of the Marqués de Villapalma.<sup>35</sup> Eight were daughters of *audiencia* or council ministers and nine others had brothers serving on an *audiencia* or council.

In summary, at least 74 men (46 %) named to the Council had high-placed, titled, or knighted relatives or wives of distinguished birth. In 39 of the 74 cases, however, the ministers had only one such illustrious family member. Thus just 35 (21 %) of the ministers were solidly tied to Spain's social and bureaucratic elites by virtue of their family or in-laws' backgrounds. The difference was immense between Manuel de Soto, the son of a struggling low-ranked provincial treasury official, and José de Rojas y Contreras, the son of a councillor of the Indies, a knight of Calatrava, the son-in-law of a titled noble, the grandson of a knight of Santiago, and the brother of the governor of the Council of Castile and a minister of the Council of Hacienda.<sup>36</sup> The evidence presented suggests that personal accomplishments were far more important than eminent family background and inherited claims for royal favor in determining who reached the Council of the Indies. The vast majority of ministers, men from the provinces without notable social ties, reached the Council primarily as a result of their own efforts and personal contacts. Rather than benefiting from their ancestors' records and connections, they themselves became the eminent relatives whose accomplishments their children, grandchildren, and nephews would cite with pride as they sought their own advancement. This conclusion underscores the upward social mobility possible in eighteenth-century Spain.

At the same time, the fairly advanced age at which ministers often reached the Council and the number of men who had married and had families many years earlier limited the ministers' ability to pass on the benefits of their own eminent positions to their children. Older children in particular were often already married and embarked on their own careers by the time their fathers reached the Council. Thus the potential for the ministers to use their eminent station for familial benefits was lessened. Only a dozen ministers had sons who followed them on the Spanish or American *audiencias* and only four others had sons-in-law who pursued judicial careers. Few new bureaucratic dynasties emerged from the Council's ministers.

For the ministers themselves, achievement often brought visible rewards. Thirty-two were inducted into the Order of Charles III after its founding in 1771. A dozen men gained titles of nobility in recognition of their service. All received annual salaries that, in the late eighteenth century, were at least 55,000 *reales de vellón*. *Camaristas* received 66,000 *reales de vellón* and, along with the councillors, were eligible for special commissions that brought further compensation.

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34. *Ibid.*, p. 141.

35. The three daughters married Ambrosio Cerdán y Pontero, Fernando Márques de la Plata, and José Lucas de Gorvea y Vadillo. <sup>36</sup> Burkholder, *Biographical Dictionary*, pp. 108-10, 119.

36. Burkholder, *Biographical Dictionary*, pp. 108-10, 119.

The Crown recognized that men with New World experience would be valuable on the Council of the Indies, but before the eighteenth century it appointed few. A successful *audiencia* career in the Indies rarely carried a minister beyond the viceregal tribunals of Mexico or Lima. While the *ascenso* in Spain frequently led from the provincial courts to Madrid and a position on a tribunal at court, service in the colonies was almost always a dead end. This changed in the eighteenth century. From the mid-1770s until 1808, service in the Americas became almost mandatory for an appointment as a minister *togado* or a *fiscal* on the Council of the Indies. Among *capa y espada* ministers as well, American service or service in activities germane to American affairs became more common. After 1776, the governorship of the Council, too, was held by men with New World experience save for five years.

The Council of the Indies began to experience changes early in the eighteenth century. Perhaps because of its reduced size, fewer ministers advanced from it to the Council of Castile from 1701 to 1750 than had been the case earlier. Although more men named to the Council of the Indies in these years brought American experience to the tribunal, a majority of the *togados* still lacked personal knowledge of the colonies. This pattern continued from 1751 to 1773 when only six of 22 ministers had American experience. Advancement from the Council of the Indies to the Council of Castile, however, accelerated from 1761 to 1772 as Charles III promoted eight men. The case of Bernardo Cavallero y Tineo illustrates the pattern. Named *fiscal* of the Audiencia of Galicia in 1749 after years as a *colegial* of Oviedo at Salamanca, Cavallero advanced as regent of the court in Mallorca in 1760. In 1765 Charles named him *fiscal* for New Spain on the Council of the Indies. The following year, however, he moved to the Council of Castile.<sup>37</sup> As the Council of the Indies pointed out to the king, it faced a major problem. Since it was not *de término*, the apex of a ladder of promotion, and provided less prestige, salary, and benefits for their widows, ministers correctly considered service on the Council of Castile more desirable.<sup>38</sup>

Convinced that the problem posed was real, on July 29, 1773, Charles declared the Council of the Indies *de término* and equal to the Council of Castile in salary and prerogatives.<sup>39</sup> Furthermore, he increased the number of *togados* to ten. Three years later he again expanded the Council, raising the number of *togados* to fourteen. As the two decrees were implemented, it became clear that not only would ministers end their careers on the Council of the Indies but that two separate *ascensos* for Spain and the Indies culminated with service on the Councils of Castile and the Indies respectively.<sup>40</sup> Prior service in several positions before reaching the Council was routine. The career of Tomás de Sola exemplifies the pre-1770s pattern. He began his *audiencia* service in 1700 with an appointment as *oidor* in Galicia. Named an *oidor* of the Chancellery of Valladolid in 1707, he subsequently advanced as *fiscal* of the criminal chamber of the Council of Castile and then as *fiscal* of the Council of War. In June 1718 he was named a *fiscal* of the Council of the Indies and an appointment as minister *togado* followed in 1726. The only thing missing in Sola's career was a final advancement to the Council of Castile.<sup>41</sup> The pattern after the decree of equality can be seen in the career of Vicente de Herrera y Rivero. After beginning his service as

37. *Ibid.*, p. 26.

38. Council and Cámara of the Indies to the King, Madrid, February 20, 1773, AGI, Indiferente General, leg. 824.

39. *Ibid.*

40. Burkholder, "Council of the Indies in the late Eighteenth Century" for a full discussion.

41. Burkholder, *Biographical Dictionary*, p. 118.

*fiscal* of the Audiencia of Santo Domingo in 1764, he moved to Mexico as *alcalde del crimen* in 1770. Advanced to *oidor* in Mexico in 1773, he inaugurated the new position of regent of the Audiencia of Guatemala in 1776. Promoted to regent of Mexico in 1782, he moved to the Council of the Indies as a minister *togado* in 1786.<sup>42</sup> His advancement from regent to the Council was one of 15 such promotions from 1783 to 1808. The average regent who reached the Council brought 23 years of American experience and had served on three different New World tribunals. From 1717 to the 1773 decree of equality, 17 of 40 ministers *togados* had lived or worked in the New World. From the 1773 decree to 1808, the number increased to 31 of 39. That 11 of the last 12 and 23 of the last 27 appointments went to persons with American experience underscores the effectiveness of the new pattern of promotion.

As a group, *fiscales* had two characteristics that distinguished them from most ministers *togados*. Almost all *fiscales* were experienced attorneys and few, only two of the 17 named from 1717 to 1773, were former *colegiales*. In contrast, 21 of 41 ministers *togados* had once been associated with a *colegio mayor*. A majority (16 of 26) of the *fiscales* named to the Council from 1717 to 1808, moreover, previously had been *fiscales* on lesser tribunals. Before 1773 such prior experience was much more common than service in the New World; only three of the 17 named had been to the Americas. From 1773 to 1808, on the other hand, all nine *fiscales* appointed had New World experience, experience that averaged twenty-two years in length.

The Council's ministers *de capa y espada* had a greater variety of backgrounds than the *letrados*. Those appointed before the 1760s were more apt than *letrados* to have unquestioned nobility, titles, and knighthood and their ancestors' accomplishments were more important in determining their selection. From 1717 to 1759, few ministers *de capa y espada* were named because they had experience in American affairs. Only five of the 28 men appointed had American experience; seven men, on the other hand, owed their appointments directly to the influence of Queen Isabel Farnese. Five men had been secretaries of state and another became a secretary after his Council appointment. Three were involved in foreign service, but in one case the appointment to the Council was solely to provide the ambassador to Portugal with an additional income while he remained in Lisbon.<sup>43</sup> Three men were career military officers and a payment by one in 1745 was responsible for his appointment.<sup>44</sup> Only in the 1760s did a greater number of ministers begin to bring knowledge and experience useful in the Council's deliberations. The appointment in 1761 of José Banfi, the chief clerk (*oficial mayor*) of the Secretariat of State for the Indies, initiated a transitional era in which the Crown advanced men who had worked with the Council or Secretariat in non-conciliar posts. The 1767 appointment of Tomás Ortiz de Landazuri, the chief accountant of the Council of the Indies, inaugurated the presence of the chief accountant on the tribunal. The appointment in 1774 of Fernando de Magallón, a former secretary to the Spanish ambassador in Paris, initiated what later became an institutionalized advancement of clerks in the Secretary of State's office to the Council.<sup>45</sup>

The final period of *capa y espada* appointments opened in 1785 when a decree of May 31 set forth prescribed advancement for chief clerks in the six secretariats of state.<sup>46</sup>

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42. *Ibid.*, pp. 57-58.

43. Marqués de Capecelatro.

44. Manuel de Salcedo.

45. Burkholder, *Biographical Dictionary*, pp. 16-17, 74-75, 88-89.

46. AHN, Estado, leg. 3424, caja 2.

The chief clerk of the secretariat for the Indies and then, with the secretariat divided in 1787, also the chief clerk for the Secretariat of Grace and Justice for the Indies, routinely moved onto the Council when their predecessor died. Although supernumerary appointments became numerous starting in 1788, the men named possessed solid credentials. They had, for example, served in various secretariats, directed the postal service, and supervised the Almaden mercury mine.

From the 1780s onward, the Crown assembled a broadly-based group of specialists to complement the *letrados* with American experience. Nine of the 25 ministers de *capa y espada* named from 1785 to 1808 had lived or worked in the New World. The Crown's emphasis on previous relevant service resulted in an increase in the average age of appointment from 42 in the years 1717 to 1759 to 51 in the years 1785-1808. Even so, the average minister de *capa y espada* was five years younger than his *letrado* counterpart when named.

The emphasis upon prior relevant service for *capa y espada* appointees meant that their own activities, rather than the accomplishments of their relatives, were primarily responsible for their appointments. Only three had noble titles after 1785, but eighteen entered a civil (15) or military (3) order at some point in their careers.

Among the presidents and governors named to the Council, four of the eight had New World experience. With the exception of Francisco de Moñino, brother of the powerful Conde de Floridablanca, the governors of the Council from 1776 to 1808 had personal experience in the colonies. The spirit of the reforms of the 1770s had extended to the very top of the Council as well as permeated the ranks of councillor and *fiscal*.

Examining the ministers named to the Council of the Indies from 1717 to 1808 reveals that most were not only from the provinces of Spain but frequently from small towns rather than provincial capitals. The Crown of Aragon was notably underrepresented and the Kingdoms of Andalusia increased their representation over time. The families of most ministers had limited economic resources, although in the case of *letrados* they were adequate enough to enable the future minister to secure an education and qualify as a lawyer. Only a small minority of the ministers, around a fifth, could lay serious claim to membership in the elite by virtue of birth or marriage. Rather, most ministers gained their eminent positions through their own labours and professional connections. Because most had married years before they reached the Council, their accomplishments often provided only limited benefits for their children. Nonetheless, some ministers succeeded in initiating a family tradition of service in the high *letrado* bureaucracy in addition to gaining personal honours, most notably membership in an order, for themselves.

The Council of the Indies increased in size, importance, and prestige over the course of the eighteenth century. The 1773 decree of equality and 1776 expansion ended the Council's role as a way station on the route to the Council of Castile. The American *ascenso* was extended through the creation of the position of regent on each *audiencia* and culminated with membership on the Council. Systematic advancement of *letrados* with New World experience beginning in the mid-1770s gave the Council unprecedented expertise in American affairs. Coupled with the integration of Spanish and American secretariats of state in 1790, this expertise made the Council not only the sole body with responsibility focused only on New World affairs, but a body capable of understanding those affairs. The establishment of automatic advancement for chief clerks beginning in 1785 ensured the presence of men on the Council with a variety of experience and limited the opportunities

for the abuse of patronage. It is worth noting that the reign of Charles IV did not bring any reduction in the credentials of the men named; rather it continued the personnel policies established under Charles III. Personal ability and New World experience combined to bring to Madrid the most highly qualified group of councillors of the Indies ever assembled. Staffed primarily with Spanish provincials who had laboured long in the American provinces, the Council alone maintained orderly administration in the Indies in the two decades before the French invasion of 1808 shattered imperial stability.